

**CITY COMMISSION WORK SESSION**  
**September 23, 2019**

The work session was called to order by Mayor Steve Leary at 6:08 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

Members present:

Mayor Steve Leary  
Commissioner Greg Seidel  
Commissioner Sarah Sprinkel  
Commissioner Carolyn Cooper  
Commissioner Todd Weaver

Also present:

City Manager Randy Knight  
Assistant City Manager Michelle Neuner  
City Attorney Kurt Ardaman  
City Clerk Rene Cranis

Charter Review Committee Members present:

Facilitator Marilyn Crotty  
Steven Brandon  
Lisa Coney  
James Johnston  
Lawrence Lyman  
Bud Kirk

Presentation of final report and recommendations of the Charter Review Committee

Mayor Leary thanked the Ms. Crotty and the Committee members for their participation and dedication to this process.

Ms. Crotty provided the background on the establishment of the Committee, its rules and its use of a model charter produced by the National Civic League as they reviewed and recommended changes to the charter.

Mr. Knight explained that the Commission will provide direction on which items to place on the ballot, then the City Attorney will draft an ordinance with the ballot language. A simple majority approval of the Commission is required to adopt the ordinance to put the amendments on the March ballot.

Ms. Crotty stated that the ballot questions, in English and Spanish, must be to the Supervisor of Elections Office by December 13<sup>th</sup>. There are many amendments and the Commission will determine whether to combine some amendments in one ballot question, place all of them to the 2020 ballot, or move a portion of them in 2020 and the remaining in 2021. The Commission can also introduce other changes not recommended by the Committee. She stated that all changes, no matter how minor, have to be approved by the voters.

Ms. Crotty reviewed the recommendations detailed in the Final Report:

- General Provisions – Revise to be gender neutral.
- Preamble - Add the words diverse and inclusive.

- Article I. - Change the title to Powers and Form of Government.
- Section 1.01. – Change title to Creation, Powers, and Construction and add language to Construction that clarifies the powers of the city will be interpreted in favor of the city and that the general power of the city is not limited.
- Section 1.03 – Change title to Form of Government, move to Section 5 of the Charter and state the city has a Commission-Manager form of government.

Commissioner Cooper asked if this form of government is defined. Attorney Ardaman stated that a definition could be added; however the Commission and City Manager roles are clearly defined in the charter.

In response to questions, Ms. Knight explained that some minor editorial changes can be combined into one ballot question. Ms. Crotty pointed out that each ballot question is limited to 75 words. She added that the Committee is recommending educational materials be provided to the voters in advance of the election.

- Section 2.03 – Change title to Judge of Qualification, Forfeiture, and Election of Members, adds process to assure that any elected official charged with forfeiture of office will receive due process.

Attorney Ardaman advised that with the addition of new grounds for removal from office in Section 2.07, a clear process is a good idea. Ms. Crotty agreed and stated that the Committee recommended adding grounds for removal: violating the charter, conviction of a crime involving moral turpitude, or failure to attend three consecutive meetings without being excused by the city commission.

Discussion followed on violations of the charter including directing staff, abuse of employees, and moral turpitude. Mr. Ardaman stated provisions could be included in the Charter with specific policy adopted by ordinance.

- Section 2.05, Change annual compensation to \$15,000 for the Mayor and \$13,600 for Commissioners with annual adjustments based on the CPI.
- Section 2.06 – Change time of election of vice-mayor until first regular meeting after certification of election results.
- 2.07(c) – Allows the Commission to determine whether to fill a vacant seat if the vacancy occurs 60 days or less prior to the next general election but requires an appointment if vacancy occurs more than 60 days before the next general election.
- Section 2.08 – (a) Requires the mayor or two commissioners to call a special meeting and requires 48 hours advance notice. (b) Remove the reference to keeping a journal.

- Section 2.08(c) – Allows for attendance and voting through video conferencing providing there is a physical quorum in attendance.

Ms. Crotty stated this is allowed at the state level but not at the local level. Mayor Leary stated that there would be a need for high level and effective technology if this passes. Discussion followed on the potential complications.

- Section 2.10 - Change the language regarding interference with administration; add a prohibition on holding other compensated office with the city during their term of office; and provide for the appointment of current and former elected officials to serve on regional or intergovernmental boards without compensation.

Ms. Crotty stated these revisions prohibit members of the commission from dictating the employment or removal of an employee but permit asking questions of staff to obtain information to aid in making decisions. In conjunction with this change, Section 2.19, Investigations, was added to allow the Commission to make investigations into the city's affairs.

- Section 2.11 – (a) Remove requirement to be physically in attendance to vote on the adoption of an ordinance, and (b)(7) change the lease or conveyance of land to lease or conveyance of real property.
- Section 2.17 – Change term of contract for annual audit services from three to five years.
- Section 3.01 – Identifies prohibited acts in nonpartisan elections and creates a method for Commission to set fines.

Ms. Crotty stated that the Committee received many citizen comments expressing concern about the lack of description/definition of nonpartisan elections and that outside forces have been driving partisanship into the city's elections. As a result, the Committee recommended adding prohibited acts.

In response to comments by Commissioner Sprinkel, Attorney Ardaman stated this provision establishes penalties for violations where county or state law does not. He added that candidates in nonpartisan elections are prohibited from publicly declaring their political party affiliation. Discussion followed on prohibitions, contributions and scenarios applicable to nonpartisan elections.

- Section 3.03 and 3.04 – Provide for elections to be held in accordance with State law and Supervisor of Elections rules and regulations.

Ms. Coney advised that although there were citizen comments and discussion regarding changing to single-member districts, the Committee did not recommend any changes.

- Section 4.01 – Rename from Generally to City Manager
- Section 4.05(b) - Require majority vote to confirm appointment of department heads and city clerk.
- Section 4.05 (d) and (e) – Delete language regarding certain employment actions and operational control of the police and fire departments.

Ms. Crotty stated that the Committee discussed the provisions relating to the Civil Service Code (CSC) and Civil Service Board (CSB) and stated that the CSC has not been updated since adopted by the voters in 1967. Although there are no recommendations to eliminate the CSC or CSB, the Committee recommended that the code be updated for voter approval. The Committee recommended deleting language because it is linked to the CSC.

Mr. Knight stated that he and Assistant City Manager Neuner are working closely with members of the police and fire departments to revise the CSC. Those members agree that the code needs to be modernized.

Ms. Crotty stated the Committee recommends changing the title of Section 4.07 from Police and fire departments to Civil Service Code and adding language requiring the CSC to be adopted by ordinance and establishing the board's purpose to approve operating procedures and to serve as appeals board for certain disciplinary actions. She feels this strengthens the CSC by requiring it in the Charter and requiring voter approval of the ordinance.

- Section 5.08 – change time for a vote on a citizen initiative or referendum from 60 to 180 days from date petition was deemed sufficient.
- Section 5.10 – add new section to replace Section 1.03.
- Section 6.04 – delete because it is obsolete.

Discussion ensued on the number of amendments, the ability to combine some changes into one question, the feasibility of putting forth some ballot questions this year and some the following year, and methods and challenges of communicating the amendments to the voters.

The meeting adjourned at 7:30 p.m.

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City Clerk Rene S. Cranis, CMC